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Serial No. 09/873,638

DEC 09 2005

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

Inventor : Jisung Woo
Serial No. : 09/873,638
Filed : June 4, 2001
Title : CHANGER FOR DISK-SHAPED RECORDING MEDIA
Examiner : Hanh Van Tran
Art Unit : 3637

Mail Stop Appeal Brief - Patents
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Patricia A. Verlangieri

APPELLANTS' BRIEF UNDER C. F. R. § 1.192

On August 25, 2005, Appellants' filed a timely Notice of Appeal (that was received in the United States Patent and Trademark Office on August 25, 2005) from the action of the Examiner finally rejecting pending claims 1-10. The Appellants' herein file this Brief in accordance with 35 C. F. R. § 1.192.

1. IDENTIFICATION OF THE REAL PARTY IN INTEREST

The real party in interest for the above-identified application is Thomson Licensing Inc., which is the assignee for this application.

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2. IDENTIFICATION OF RELATED APPEALS OR INTERFERENCES

To the best of the Appellants' knowledge, there are no appeals or interferences that will be directly affected by, or will have a bearing on the decision of this appeal.

3. STATUS OF THE CLAIMS

Claims 1-10 are rejected and the rejection of claims 1-10 is appealed.

The above-identified application was filed on June 4, 2001 claiming priority under 35 U. S. C. § 119 to European Patent Application No. 00112771.1 filed June 16, 2000. Claims 1-10 were pending.

A first Office Action was mailed May 20, 2004 (Paper No. 3), in which claims 1-10 were rejected.

In Appellants' response to the first Office Action, dated November 22, 2004, claims 1-10 were amended.

The Examiner in a second Office Action, mailed February 25, 2005 (Paper No. 02192005), finally rejected claims 1-10.

The status of the claims is as follows:

Once amended claims 1-10. Claims 1-10 stand finally rejected.

4. STATUS OF THE AMENDMENTS

No amendments were made after final rejection. All amendments were entered.

5. SUMMARY OF THE CLAIMED SUBJECT MATTER

Independent claim 1 is directed to a changer for disk-shaped recording media. See Appellants' specification at page 1, lines 24-25. The changer includes

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a drawer 3 slidably mounted within a chassis 1 and supporting a number of disk plates 7. See Appellants' specification at FIG. 1 and page 3, line 31 to page 4, line 8. The disk plates 7 are arranged one above the other. See Appellants' specification at FIG. 1 and page 4, lines 1-4. At least one disk plate 7 is mounted at one end via a hinge 9, 10 at the drawer 3 such that it is pivotable about a horizontal axis of the chassis 1 of the changer. See Appellants' specification at FIG. 2 and page 4, lines 10-13.

6. GROUNDS FOR REJECTION TO BE REVIEWED ON APPEAL

1. The Examiner has rejected claims 1-10 as being anticipated under 35 U. S. C. § 102(b) by Yamanaka et al. (European Patent Application EP 0905686 A2).

7. ARGUMENT

1. Rejection of claims 1-10 under 35 U. S. C. § 102(b) as anticipated by Yamanaka et al. (European Patent Application EP 0905686 A2).

Claims 1-10

Yamanaka et al. discloses a stocker apparatus for storage medium. See Yamanaka et al. at column 1, lines 7-12. The stocker apparatus 10 includes a base frame 12 disposed in a chassis 11. See Yamanaka et al. at FIG. 1 and column 6, lines 7-9. A sub-frame 13 is retained pivotably by the base frame 12. See Yamanaka et al. at FIG. 1 and column 6, lines 9-10. Stocker tray 16 is fixed near the upper wall of sub-frame 13, while stocker trays 17 and 18 are disposed slidably in parallel to the stocker tray 16. See Yamanaka et al. at FIG. 1 and column 6, lines 17-20.

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In Appellants' claims 1-10 a changer for disk-shaped recording media is described. See Appellants' specification at page 1, lines 24-25. The changer includes a drawer 3 slidably mounted within a chassis 1 and supporting a number of disk plates 7. See Appellants' specification at FIG. 1 and page 3, line 31 to page 4, line 8. The disk plates 7 are arranged one above the other. See Appellants' specification at FIG. 1 and page 4, lines 1-4. At least one disk plate 7 is mounted at one end via a hinge 9, 10 at the drawer 3 such that it is pivotable about a horizontal axis of the chassis 1 of the changer. See Appellants' specification at FIG. 2 and page 4, lines 10-13.

Yamanaka et al. does not describe or suggest a changer for disk-shaped recording media including a drawer slidably mounted within a chassis and supporting a number of disk plates that are arranged one above the other wherein at least one disk plate is pivotable about a horizontal axis of the chassis of the changer. Rather, Yamanaka et al. teaches a completely different arrangement in which only a sub-frame retained by a base frame of a chassis of a storage medium stocker is pivotable instead of a disk plate as recited in Appellants' claims 1-10. Since Yamanaka et al. does not teach a changer for disk-shaped recording media including a drawer slidably mounted within a chassis and supporting a number of disk plates that are arranged one above the other wherein at least one disk plate is mounted at one end via a hinge at the drawer such that the disk plate is pivotable about a horizontal axis of the chassis. Thus, claims 1-10 are not anticipated by Yamanaka et al. All claims argued within this section will stand or fall together.


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8. CONCLUSION

In view of the above, Appellants' respectfully request that the Examiners' rejection of claims 1-10 be reversed. Favorable action is respectfully requested.

Respectfully submitted,


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December 9, 2005

Attachments
Appendix I - Claims 1-10

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APPENDIX I - APPEALED CLAIMS

1. A changer for disk-shaped recording media including a drawer slidably mounted within a chassis of the changer and supporting a number of disk plates arranged one above the other and provided to hold a disk therein, wherein at least one disk plate is mounted at one end via a hinge at the drawer in such a way that it is pivotable about a horizontal axis of the chassis of the changer.
2. The changer according to claim 1, wherein the disk plate is provided with a pin at its edge remote from the edge at which the disk can be drawn from the disk plate said pin cooperating with one of an opening in a side wall of the drawer and an opening within a side wall of the chassis.
3. The changer according to claim 1, wherein the disk plate comprises at each of its opposite edges two pins the first pin cooperating with an opening within a side wall of the drawer and the second pin cooperating with an opening within a side wall of the chassis.
4. The changer according to claim 3, wherein the opening within the side wall of the chassis has the form of a slot extending perpendicular to the pivoting axis of the disk plates.
5. The changer according to claim 4, wherein the slot within the side wall of the chassis has a horizontal section and a subsequent downwardly inclined section enabling a pivoting of the disk plate within the drawer about an horizontal axis.
6. The changer according to claim 5, wherein the lowest slot for the lowest disk plate has substantially no downwardly inclined section and that the length of the downwardly inclined section increases from one disk plate to the next above

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positioned disk plate so that the disk plates are pivotable by angles increasing from the lowest to the upper disk plate and the disk plates become spreadable from each other.

7. The changer according to claim 1, wherein the pivoting operation of the disk plates can be implemented manually.

8. The changer according to claim 1, wherein the pivoting operation of the disk plates is implemented by electrical-mechanical driving means.

9. The changer according to claim 1, wherein disk plates are mounted at one end via a hinge at the drawer in such a way that they are at least one of upwards and downwards pivotable about a horizontal axis of the chassis of the changer.

10. The changer according to claim 1, wherein the changer is vertically arranged and the disk plates are provided with means to hold disks on said disk plates.